

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IVAN FERNANDO ORTEGA

Write the full name of each plaintiff.

18CV9275
CV

(Include case number if one has been assigned)

-against-

COMPLAINT

SAMARITAN VILLAGE at MYRTLE AVE.
MEN'S SHELTER and its Director Miss.

Do you want a jury trial?

☒ Yes ☐ No

ANA MARIE JOHNSON as NYC HOMELESS
DIVISION SERVICES likewise, The City of New York.

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

The unconstitutional under Federal laws include: Discrimination, Equal Protection, Equal Opportunity, Conspiracy, Racial Hate, Detention, Cruel & Inhuman Punishment, Sovereigns and Prejudices under The City of New York.

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of _____
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, Ane Marie Johansson Divina Homeless Services, is a citizen of the State of
(Defendant's name)
New York

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of _____

If the defendant is a corporation:

The defendant, Divina of Homeless Services, is incorporated under the laws of
the State of New York

and has its principal place of business in the State of New York

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in The City of New York

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

IVAN F. ORTEGA
First Name Middle Initial Last Name

910-20 170th St. Apt 2N
Street Address

South Jamaica NY 11432
County, City State Zip Code

631-530-8451 FERNANDO 721 ORTEGA @gmail.com
Telephone Number Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

Division of Homless Shelter, Anne Marie Johnson
 First Name Last Name
SAMARITAN VILLAGE, MYRTLE Ave. Men's Shelter
 Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

Defendant 2:

The New York City ...
 First Name Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

Defendant 3:

The New York City ...
 First Name Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

Defendant 4:

The City of New York, ...
 First Name Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence:

I've been almost murdered in Myrtle Ave. Shelter for Men ...

Date(s) of occurrence:

September 16, 2017, but I've injury in the prison and
Most physical injuries cause in jurisdiction of The New York City ...

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

I got 100% Total disabled working. National Benefit
Life and New York State Insurance Funds was taken by
brod the government and they sent me to Welfare. I was
Evicted from Section 8 program because HRA did not
pay rent arrears. I was assigned in "SKYWAY" facilities
Medical Shelter, but they discriminatory moved me to
SAMARITAN VILLAGE, MYRTLE AVE. Men's Shelter.
There they cause prejudices till I was almost killed after
I was been threaten for almost a Month. Nighter,
DHS Police officer "Sergeant", Peter, security guards,
Nighter, Shift worker neither Director Anne Marie
Johnson just help me to protect me or changed
me to another shelter. Police arrested me a night
and employees and supervisor stole my properties ...

See Attachs ...
 Page 5

I was suffering because my physical injuries they denied me make surgery, give me Motrin, used alcohol, at night they kicked my bed, and made me beaten, and made Complaint in City Controller # 2017 PI032697 within order of protection of Brooklyn District Attorney, I was almost murder on my bed. It was again, then after in other shelter they stolen my Colaxi & cell phone... They put me in shelter where are people with Criminal Felonies, and Mental illness shelter. I also was blocked to be graduate of John Jay College of Criminal Justice, need justice..

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

I have tissue in my brain caused in Vard's Island Shelter for Men. I got long cut in my right leg, and was found Arterioles and Hemorrhages in the right knee...

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

I requested to the City Controller \$ 200,000.00 and they offer money and offer of settlement, but they said I have to go for a fair hearing called H50. If this court see just and proper should added expenditures and raise the cost of my life...

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

10-10-2018
 Dated
Juan F. Ortega
 Plaintiff's Signature
JUAN F. ORTEGA
 First Name Middle Initial Last Name
90-20 17th ST. Apt 2N
 Street Address
Jamaica NY 11432
 County, City State Zip Code
621-530-8451 FERNANDO 721 ORTEGA@gmail.com
 Telephone Number Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Ivan Fernando Ortega

90 – 20 170th, Street. Apt. 2N

South Jamaica, NY 11432

Cells: 917-370-8508

347-730-7700

ALL THESZE MEN PRESENT:

In the Concern of, and In the Matters,

And The Interest of Justice,

This is Re-Call for Previous Southern

District Court Decision Made By:

Federal Judge,

Honorable Kiyo A. Matsumoto

Just Cause of Action Case against Institutions,

Agencies, Divisions, Employees, and Agents of The City of New York,

Under Claim # 2017PI032697

On the precedent named case under Index # **13cv3487 (KAM)** Honorable Judge Kiyo A. Matsumoto Decision says: “she has no Jurisdiction” decision to Appeal. Ivan Fernando Ortega as Petitioner heard from Mr. Vega clerk of District Court: “Hon. Matsumoto did not read your paper/documents and dismissed this case.” Therefore, this case was Against Social Security Administration and Commissioner. Now, within just cause of action against The City of New York, Ivan Ortega requests to this court a petition to be listen under Unconstitutional practice of Institutions, Agencies, Employees and Agents of The City of New York.

Therefore, Honorable Kiyo A. Matsumoto empathized in her decision in the concern of the case against The State of New York and The City of New York. Mr. Ivan Fernando Ortega “Petitioner” was encouraged to claim The New York City Controller for many criminal acts faced and increasing of injuries in his body. The Medical Facilities and priorities shelter where Petitioner was discriminated, so

Petitioner was kicked off of “SKYWAY” shelter assigned. Petitioner also was obstructed, blocked of his continuing higher education which conspiracy prevented to graduate from John Jay College of Criminal Justice, it was unconstitutional. Petitioner faced being victim of Police Brutality and False Arrests; the eviction and loss of Section 8 special program granted under **Voucher # 0550177** because Human Resources Administration and Welfare center did not pay rent arrears as was decided by a Temporary and Disability Assistance Commissioner.

Moreover, the Hardship situation and bad condition of living strongest and encourages to DEMAND damages and prejudices, pain and suffering; in addition to, Mr. Ivan Fernando Ortega as “Petitioner” put in acknowledge that he is risking his life in this place. Upon before, a complaint issued numbered **2017PI032697**, and faced **H-50 Fair Hearing** which is under The New York City Controller Rules Laws and Regulations. Mr. Ivan Fernando Ortega/ Petitioner respectfully makes this petition to this Honorable Federal Court on the Issues, and Questions to arise of Un-Constitutionals, Un-Justiciabilities, Cruel and Un-Human Treatment, Discrimination, Violations of American Disability Acts, Educational Students Acts, taken away of NYCHA Section 8 special program, Human and Civil Rights and Its Amendments under Jurisdiction of The City of New York Administration System.

1. Why? Mr. Ivan Fernando Ortega was kicked off from Section 8 Apartment, Saying the termination notice that Mr. Ortega had higher income? Therefore, Why? Mr. Elliot Lauterstain NYCHA’s manager within several letters from NYCHA Administration say: “Mr. Ortega because we sympathize with you, And because there is not restoration under section 8 **Voucher # 0550177**,” adding: “we Invited you to Apply for New York City Housing Projects because of your Lower income.”

2. When? Mr. Ivan Fernando Ortega should have a NYCHA Project Unit.

Mr. Ortega has pieces of Evidence that had been applying for NYCHA Projects since 2003 certainly qualify after May 2013 after Mr. Ortega got Eviction of Section 8 apartment because NYC HRA, NYC Social Services and its center did not pay rent arrears as it was decided and ordered by New York State Temporary and Medical Assistance Judge and Commissioner on Hearing held at that time. Its 5 years faced that Petitioner as Mr. Ivan Ortega had been transferred to all NYC Shelters, but not to his assigned shelter with medical facilities name "SKYWAY."

3. What? Have being happening after May 2013 time when Mr. Ivan Fernando Ortega "Petitioner" was evicted and assigned a NYC Shelter for Men name after he faced assessment to "SKYWAY," which had medical facilities for Mr. Ortega who is 100% total disabled within Several Physical Disabilities Injuries. **NOTE:** Petitioner Mr. Ortega has no Mental Illness, or mental retard, or Bi-Polar Medical Diagnostic. The retaliation, Discrimination, racial hate, cruelty treatment, Corruption within Police Brutality and also false arrests, everything cause obstruction of continuing his higher education preventing to graduate from John Jay College of Criminal justice. The denied of services that Mr. Ortega have been facing Pain and Suffering under NYC Division of Homeless Services after was evicted from Section 8 and moved from "SKYWAY" to "Samaritan Village Shelter for Men." Petitioner is respectfully requesting this Petition to appear and to be listening for all these Unconstitutional Practices.

4. How? Petitioner as like as Mr. Ivan Fernando Ortega could still alive within several physical medical disabilities injuries without Healthy Food, Bed Rest, and Medical Physical Condition of Living? How? Petitioner cannot lives with \$20.25 cents every two weeks given by Public Assistance Welfare.? Acknowledge, NOTE: Petitioner got 100% total Disabled working but National Benefit Life and NY State Insurance Fund were taken by The Government and Mr. Ivan Ortega was sent to Welfare to receive Public Assistance... How? Can Mr. Ortega lives in a retard and Mental Illness Shelter where he have being beaten, stolen, thread of being stabbed and Killed, been arrested to be robbed by their employees of his properties which were locked in their Shelter facilities. How? Can Mr. Ortega "Petitioner" lives in this shelter where facing conspiracy, obstructed and barriers of services where there is not fresh air required for his medical condition.
5. Why? After was offered by Health First Medical Insurance Covered by Medicaid to give medication pills, there were denied by Health First and CVS Care Mark? **NOTE:** Mr. Ivan Fernando Ortega made a petition to The New York Supreme Court of Brooklyn for approved of Levitra 20 mg. It was listened by Honorable Jimenez Salta who denied pills because the only legal represent of Health First present on the hearing says and offered authorized Cialis 20mg. instead of Levitra 20 mg. but after they called the doctor to change the prescription and makes previous request of authorization it was denied, too. There is another Urology opinion that Petitioner can being prescript of Levitra 20mg because of other physical injuries. Why? Levitra 20 mg. was given from 2014 to 1016?

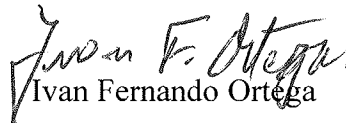
6. Petitioner as Mr. Ivan Fernando Ortega was a transferred student from LaGuardia community College to John Jay College of criminal Justice, but Mr. Ortega was obstructed, blocked, barrier to still with his higher education at this Honorable CUNY School Campus. The Officials at Campus once said to Mr. Ortega hat he has to pay balance and he has to wait for next semester to be registered. After that they said that Mr. Ortega had to pay debts to be registered. After that, they said that Mr. Ortega has lower GPA and cannot be registered. They put more obstruction saying that Mr. Ortega got lower Grades in his final exams. Therefore, Petitioner as Mr. Ortega has State Police report because a professor obstructed Mr. Ortega and denied to take final exam. In addition to, the entire professor gave C in Mr. Ortega Final Exams without final exams had been taken, and also they say that Mr. Ortega withdrew his classes, but Mr. Ortega did not. Moreover, Petitioner as Mr. Ivan Ortega was still appealing to be registered, but they say that Mr. Ortega has to go another school. Petitioner as Mr. Ivan Ortega also appealed to be reimbursed his payments, and they denied because Mr. Ivan Ortega did not attend 52 classes they said. Mr. Ortega has record of his entire middle term grades.

Whereas, this Honorable Federal Court sees Just and Proper; Petitioner, Ivan Fernando Ortega is under his mental capacities and capabilities, under the age and Petitioner added that he is a United States Naturalized Citizen, and he is a Total 100% Disabled and also Petitioner is protected under American Disability Act and its amendments. Petitioner is Respectfully Appeal Requesting and Making this Petition for an Appearance to be listening, and to present the pieces of evidence which he have been facing. The Federal Laws and Courts have Jurisdiction of these

Unconstitutional Practices of Discrimination, Conspiracy, Racial hate, and Retaliation and Cruel e inhumane punishment and prejudices under The City of New York.

Wherefore, Mr. Ivan Ortega as Petitioner claim to find remedies of Violations against him such are: American Disability Act,, Civil, Liberties and Human Rights and Its Amendments, freedom of Education; and also for The Cruel treatment and Unusable Punishes causing Emotional, psychologies, damages and prejudices to Ivan Fernando Ortega by New York City Institutions, Agencies, Divisions, Employees, and its Agents. In addition to, Mr. Ortega is requesting to be transferred to "SKYWAY," which this Honorable federal Court has Jurisdiction to hear to compensate and to Mandate in favor of Petitioner in this Just Cause of Action against The City of New York...

In God We Trust


Ivan Fernando Ortega

Ivan Fernando Ortega Moreira

90-20 170th, Street. Apt 2N

South Jamaica, NY 11432

fernando721ortega@gmail.com

Cells: (347)-730-7700

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1 Centre Street

New York, NY 10007

Hon. Mayor of the City of New York

Mr. Bill de Blasio

New York City Comptroller

Scott M. Stringer

KRYSTYNA BORKOWSKA

Claim Specialist-Personal

Injury Division and Investigations

Bureau of Law & Adjustment-Room 1220

I, Ivan Ortega proceed to inform the Hon. Mayor of the City of New York Mr. Bill de Blasio to New York City Comptroller Scott M. Stringer, and to The Claim Specialist-Personal Injury Division; Bureau of Law & Adjustment at Room 1220, Mrs. Krystyna Borkowska a Just Cause of Action to pursue of Civil Case against Institutions, Agents and Employees under liabilities, and responsibilities, for Negligence denying send me back to assigned Shelter which is "SKYWAY" or to not prevent Mr. Luis Lopez to committed the assault, and/or your employees to hear Ivan Ortega demands that Mr. Luis Lopez was thread me for almost a months of Stubbed and Killed Ivan Ortega, he has been saying. The named and Caution in this Good Civil Just Cause of Action is: "Samaritan Village as Myrtle Ave. Men's Shelter and its Director Miss. Ana Marie Johnson; in addition to, New York City Homeless Division Services. Ivan Ortega is demanding:

1st.) To be accommodating in an apartment as was offered in 2013 by New York City Homeless Division Department. Beforehand, strengthening for superior and Higher Investigations, Ivan Ortega is adding under penalty of perjury that He suffered Tissues of Brain after or since he was almost murdered in "Wards Island Shelter for Men" in 2004 which also was of Equal Protection Negligence likewise "Samaritan Village." **NOTE:** This Brain Injury and Disability was Diagnostic around or about August 2010. SEE Attaches, Medical report

2nd.) Being transferred to “SKYWAY” Shelter for Men, which was assigned by BHC’s Assessments since May 2013, but wrongfully, neglected and, or by Discrimination transferred to “Myrtle Ave. Shelter for Men,” on August 2013, until Housing apartment would be ready to move.

3rd.) For the Amount if any compensation come from The Office of The New York City Controller, which amount would be \$200,000.00, or more necessarily for long criminal acts occurred in Samaritan Village INC, “Myrtle Ave. Men’s Shelter under the Administration of Director Miss. Ana Marie Johnson, and previous administration, and for the Brain injury that its New York City Department of Homeless Services..

Likewise, long 3 years requesting to be transferred to the original and assigned shelter which was “SKYWAY,” before all of these crimes happened against Ivan Ortega. Ivan Ortega had been reporting discrimination, be stolen, beating, facing all of the amount psychology, mental and emotional damages by those employees and supervisors, and also by the same director Miss. Ana Marie Johnson.

For New York City

New York City Human Resources Administration,
Social Services Public Assistance, Welfare
“Several Centers”

New York City Division of Homeless Services,
Several Local Shelters For Men

Elliot Lauterstain “MANAGER”
New York City Housing Authority Section 8

New York City, **“CUNY”** LaGuardia Community College
New York City, **“CUNY”** John Jay College of Criminal Justice

New York City Police Department, **“Several Sergeants.”**